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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,218	06/03/2005	Richard Pustelniak	02-700	3350
50/791 7590 06/25/2008 BACHMAN & LAPOINTE, P.C. (UTC) 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510-2802				
EXAMINER				
COLON SANTANA, EDUARDO				
ART UNIT		PAPER NUMBER		
2837				
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06/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,218

Applicant(s)

PUSTELNIAK, RICHARD

Examiner

Eduardo Colon-Santana

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date 6/03/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Detailed Action

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 06/03/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

2. Claims 1, 9 and 10 are objected to because of the following informalities: It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. See *In re Hutchison*, 69 USPQ 138.

Appropriate correction is respected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Picado U.S. Patent No. 5,149,921.

Referring to claims 1-8, Picado discloses an infrared intrusion detection system for elevator doors as claimed (see all figures and respective portions of the specification). Picado further depicts from

figures 1 and 2, a plurality of linearly disposed emitters (43) disposed vertically upon a leading edge of a door (40), each adapted to be activated to emit an energy beam; and a plurality of linearly disposed receivers (45) disposed vertically upon a leading edge of a door (39) each adapted to receive one of the energy beam from one of the plurality of emitters (see Col. 7, lines 34-62). Furthermore, Picado depicts in figures 7, 9, 10, 11 and 14, various schematic and block diagrams in particular figure 11, showing that each plurality of receiver (330, 333, 335, etc.) is singularly activated prior to receiving the energy beam from an emitter (328) which is also singularly activated to emit the energy beam in accordance with a scan sequence (see figures 4 and 8). Moreover, when each activated receiver has receives the energy beam, it deactivates and a next one of the receivers in the sequence is activates (see Col. 13, line 63 to Col. 14, line 9).

As to claim 9, Picado depicts from figures 11-13 that each receiver is adapted to wait for a predetermined period of time (B) for receiving the energy beam (see Col. 13, line 65 to Col. 14, line 4).

Referring to claim 10, the receivers are adapted to identify a beam break (see Col. 4, lines 30-33; Col. 7, lines 48-56).

As to claims 11-13, 15 and 16, the method steps are inherent in the product structure of claims 1-10 above. Discussion has been omitted.

Referring to claim 14, Picado depicts from figure 6 an electrical schematic view of the microcontroller, which runs the software that

permits the synchronization of the emitters and receivers (see Col. 4, lines 22-33)

As to claim 17, Picado addresses all the similar limitations in claims 1-10 above. Additionally, depict from figure 6, a first means (219) for controlling a firing sequence for the emitters; a second means (215) for activating receivers for detecting beams emitted by the emitters and a third means (100) for controlling the elevator door, wherein the second means provide signal to the door controlling mean (100) to reverse the door in response to a detected beam interruption.

Conclusion

4. The prior art made of record in form 892 and 1449 and not specifically relied upon are considered pertinent to applicant's disclosure to further show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eduardo Colon-Santana/
Patent Examiner
Art Unit 2837

/ECS/
June 21, 2008
/Lincoln Donovan/
Supervisory Patent Examiner, Art Unit 2837